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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,517	10/31/2000	Timothy A. McDonough	03797.00007	7863

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EXAMINER

ABDULSELAM, ABBAS I

ART UNIT PAPER NUMBER

2674

15

DATE MAILED: 04/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/699,517

Applicant(s)

MCDONOUGH ET AL.

Examiner

Abbas I Abdulsalam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's arguments with respect to claim 1-34 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-34 rejected under 35 U.S.C. 103(a) as being unpatentable over Adan et al. (USPN 6373047) in view of Zenz (USPN 5841425) and Eichstaedt et al. (USPN 6218958).

Regarding claims 1, 6, and 28, Adan teaches an input device system including a processing unit (21), a hard disk drive (27), a magnetic disk drive (28) and optical disk drive along with associated computer readable media storing computer readable instructions. Adan also teaches that when mouse (42) is moved over high-resolution zone (144), a control component determines that the mouse is over a zone having a predetermined pattern. See Fig 1 and Fig 6. However, Adan does not teach an illumination member of an input device that changes states. Zenz on the other hand teaches the use of a visual indicator (48) located on the shell (58) of the input device (30) as shown in Fig. 3(A-C). Zenz also teaches that that the visual indicator (48) can be in two alternative states (such as "on" or off, blinking, and variation in hue)

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depending on the operation of the input device (30) by the user. See col. 4, lines 64-67 and col. 5, lines 1-4.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Adan's input device system to adapt Zenz's visual indicator (48). One would have been motivated in view of the suggestion in Zenz that the visual indicator (48) is functionally equivalent to the desired illuminating member of the input device. The use of a visual indicator (48) helps function a computer input device more effectively as taught by Zenz.

Adan has been described above. However, Adan does not teach the use of input device in connection to step of determining in a computer whether a predetermined event has occurred. Eichstaedt teaches a tactile notification device that can be embodied. Eichstaedt cites as an example a palm top computer receiving an email, and sending a signal to the notification device, which generates discrete tactile signal. Further, Eichstaedt teaches that the notification device can generate different tactile signals, and each tactile signal can be correlated as desired by the user. See the abstract

Therefore, it would have been obvious to one having skill in the art at the time the invention was made to modify Adan's computer system to adapt Eichstaedt's tactile notification device. One would have been motivated in view of the suggestion in Eichstaedt's that the tactile notification device performs the desired determination of a predetermined event. The use of tactile notification device helps function personal computing devices as taught by Eichstaedt.

Regarding claim 2, Adan teaches the use of an input device for the purpose of providing specialized messages to the computer. See Fig 11.

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Regarding claims 3-5, 21-23 and 30-32, Zenz teaches that the visual indicator (48) can be in two alternative states (such as “on” or off, blinking, and variation in hue) depending on the operation of the input device (30) by the user. See col. 4, lines 64-67 and col. 5, lines 1-4.

Regarding claims 7 and 27, Adan teaches a “mouse message hook” that executes and returns a value to the operating system (35). See col. 7, lines 15-20.

Regarding claims 8-15, 25-26 and 29, Adan’s Fig 10B (192, 196).

Regarding claims 16-18, Adan teaches a control component (124) with respect to a predetermined time out period and the velocity of the mouse over the surface (116). See col. 9, lines 28-44.

Regarding claims 19-20, Adan teaches the use of the input device with respect to game applications utilize the functionalities of the device. See Fig 3.

Regarding claim 24, Adan teaches the input device system for providing position information based on the movement of the input device. See col. 1, lines 24-28.

Regarding claims 33-34, see Adan’s Fig 2A (42).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following arts are cited for further reference.

U.S. Pat. No. 6,684,368 to Hull et al.

U.S. Pat. No. 5,186,629 to Rohen

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4. Any inquiry concerning this communication or earlier communication from the examiner should be directed to **Abbas Abdulsalam** whose telephone number is **(703) 305-8591**. The examiner can normally be reached on Monday through Friday (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard Hjerpe**, can be reached at **(703) 305-4709**.

Any response to this action should be mailed to:

Commissioner of patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314

Hand delivered responses should be brought to Crystal Park II, Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology center 2600 customer Service office whose telephone number is (703) 306-0377.

Abbas Abdulsalam

Examiner

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March 22, 2004


XIAO WU
PRIMARY EXAMINER